

EXHIBIT D

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In re Minnesota Penile Prosthesis Litigation

Court File No: PI 97-11183

MEMORANDUM TO UROLOGISTS

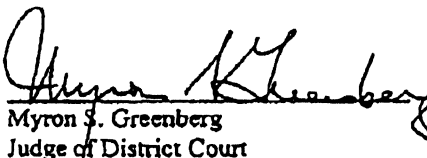
On May 8, 1998, the Court ordered that Defendant American Medical Systems is permitted to retain as expert witnesses certain urologists who may have treated one or more individual plaintiffs in the above litigation. Notwithstanding their service as experts, however, these urologists are still bound by the physician-patient privilege.

Minnesota Statute § 595.02(d) provides as follows:

"a licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity..."

The Court advises all parties in this matter that the urologists who serve as expert witnesses, absent the consent of their patients, must still protect any confidential communications concerning the medical condition of their individual patients.

Dated this 11th day
of May, 1998.


Myron S. Greenberg
Judge of District Court

